

## **REMARKS**

Claims 1-20 are pending. Claims 1-20 have been rejected in the current Office Action.

Claims 2, 9 and 16 have been canceled in this Response. Claims 1, 3-8, 10-15, and 17-20 remain in issue.

### **Specification**

The Abstract is objected to because the first sentence is missing a verb. The Abstract has been amended to overcome this objection. The disclosure has been amended to correct the informalities as indicated by the Examiner. Applicants thank Examiner for the thorough examination.

### **Drawing Amendments**

Applicant has enclosed Replacement drawing sheets for Figures 1 and 2. Figure 1 has been amended to add reference numeral 100 and to delete reference numeral 170. Figure 2 has been amended to add reference numeral 212. The specification has been amended to add reference numeral 300 to the paragraph beginning at line 21, on page 6.

### **Claim Rejections**

Claims 1-3, 5-10, 12-17, 19 and 20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 4-9, 12-17, and 20-24 of co-pending Application No. 10/768,823 (hereinafter “the ‘823 Application”) in view of U.S. Patent No. 6,075,943 to Feinman (hereinafter “Feinman”).

Claims 1-20 are under 35 U.S.C. §112, second paragraph, as being indefinite.

Claim 12 is rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter.

Claims 1-3, 5, 6, 8-10, 12, 13, 15-17, 19, and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,991,543 to Amberg et al. (hereinafter “Amberg”) in view of Feinman.

Claims 4, 11, and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Amberg in view of Feinman as applied to claims 1, 8, and 15, and further in view of U.S. Patent No. 6,088,803 to Tso et al. (hereinafter “Tso”).

Claims 7 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Amberg in view of Feinman as applied to claims 1, 8, and further in view of U.S. Patent No. 6,378,054 to Karasudani et al. (hereinafter “Karasudani”).

## **Response to Claim Rejections**

Claims 1-3, 5-10, 12-17, 19 and 20 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting. Examiner has indicated that this is a provisional rejection of these claims. Applicants respectfully traverse the rejection of these claims on the ground of nonstatutory obviousness-type double patenting. Applicants believe that the arguments submitted herewith to overcome the rejection of claims 1, 8 and 18 under 35 U.S.C. §103(a) are sufficient to overcome the rejection of claims 1-3, 5-10, 12-17, 19 and 20 on the ground of obviousness-type double patenting. However, Applicants reserve the right to provide supplemental arguments upon receiving an indication that the aforementioned claims are allowable, but for the obviousness-type double patenting rejection.

Claims 1-20 are under 35 U.S.C. §112, second paragraph, as being indefinite. Claims 1, 6, 7, 8, 13, 14, 15, and 20 have been amended to correct the informalities identified by Examiner. Applicants respectfully submit, therefore, that the rejection of these claims under 35 U.S.C. §112 has been overcome.

Claim 12 is rejected under 35 U.S.C. §101 because Examiner asserts that the claimed invention is directed to non-statutory subject matter. Claim 12 has been amended to delete the term “verifying” and to recite “confirming” proper operation of the software file on that target information handling system. It is respectfully submitted, therefore, that the rejection of claim 12 under 35 U.S.C. §101 has been overcome.

Claims 1-3, 8-10 and 15-17 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Amberg in view of Feinman. Applicants respectfully submit that the proposed combination of Amberg and Feinman fails to provide all of the limitations recited in independent claims 1, 8 and 15, as amended, and therefore the rejections of these claims under 35 U.S.C. §103(a) is improper and should be removed.

Applicants’ invention relates to an automated system for validation, scripting, dissemination and installation of software on information handling systems. Before installation on an information handling system, a candidate software package is processed to verify compliance in accordance with a predefined set of software rules. If this compliance verification step indicates that the software does not comply with the predefined rules, a compliance failure notice is generated to provide details regarding the nature of the compliance failure.

Independent claims 1, 8 and 15 have been amended to add the limitation of a compliance server operably connected to the distribution server. The compliance server is operable to

perform compliance verification to confirm that the “software file complies with a predetermined set of rules.” This limitation was previously recited in claims 2, 9, and 16, which Examiner rejected, based on the disclosure in column 9, lines 9-16 of the Amberg reference. The cited portion of the Amberg reference describes a system wherein various components are compared to “component table” prior to installation on an information handling system. The cited portion of Amberg does not provide a teaching of a compliance server that is operable to perform compliance verification to confirm that a software file complies with a predetermined set of rules, as recited in amended independent claims 1, 8 and 15.

The combination of limitations recited in independent claims 1, 8 and 15, as amended, are not taught by the combination of Amberg and Feinman, nor by any of the other art references of record. Applicants respectfully submit that independent claims 1, 8 and 15, as amended, are patentable over the art of record and, therefore, the rejection of these claims under 35 U.S.C. §103(a) should be removed. Applicants further submit that all remaining dependent claims are patentable as being dependent on an allowable base claim.

### CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

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